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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/068,199	02/05/2002	Leo Gagilardi	CM-2501	7093

27752 7590 05/20/2005

THE PROCTER & GAMBLE COMPANY  
INTELLECTUAL PROPERTY DIVISION  
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CINCINNATI, OH 45224

EXAMINER
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KUMAR, PREETI

ART UNIT	PAPER NUMBER
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1751

DATE MAILED: 05/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/068,199	GAGILARDI ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Preeti Kumar	1751	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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## **DETAILED ACTION**

### ***Non-Final Rejection after RCE***

1. Claims 1-17 are pending. Claims 18-19 are cancelled.
2. Claims 1 and 16 are independent.

### ***Response to Amendment***

3. The rejection of claims 1,3-17 under 35 U.S.C. 103(a) as being unpatentable over Terry et al. (US 5,259,848) in view of Boucher (US 3,929,662) is withdrawn in light of applicants amendment to the independent claims requiring the limitation to a pH between 0 and 6.
4. The rejection of claim 2 under 35 U.S.C. 103(a) as being unpatentable over Terry et al. in view of Boucher as applied to claims 1,3-17 above, and further in view of Grippaudo et al. (US 6,403,547) is withdrawn in light of applicants amendment to the independent claims requiring the limitation to a pH between 0 and 6.

### ***Response to Arguments***

5. Applicant's arguments filed 3/7/2005 have been fully considered and in light of applicants amendment to the pH of the composition, the above mentioned rejections have been withdrawn. Applicant's arguments with respect to claims 1-17 are moot in view of the new grounds of rejection below.

### ***New Grounds of Rejection***

6. Claims 1-17 are rejected under 35 U.S.C. 103(a) as obvious over Billman (US 5,534,167) in view of Grippaudo et al. (WO 00/26333).

Billman teaches a carpet cleaning and oil and water repellency restoring composition comprising: (a) from about 0.50% to about 6.0% by weight of ethylene glycol n-hexyl ether; (b) from about 0.05% to about 1.0% by weight of a water-soluble or water miscible fluorinated hydrocarbon which forms a water and oil repellent surface upon drying; (c) from about 0.25% to about 5.0% by weight of a surfactant selected from the group consisting of anionic surfactants, nonionic surfactants and mixtures thereof; (d) from about 0.1% to about 7.0% by weight of a olefinic/acrylic polymer. See abstract. Billman teaches that the pH of the final composition is from about 6 to about 10. See col.7,ln.33.

Specifically regarding the fluorinated hydrocarbon, Billman teach the detergent-compatible, organic or water solubilizable fluorinated hydrocarbon compounds will contain about 10 to 60 weight percent, preferably about 15 to 45 weight percent, of carbon-bonded fluorine. If the fluorine content is less than about 10 weight percent, these compounds may no longer be detergent compatible, while compounds having fluorine contents greater than about 60 weight percent are uneconomical to use. Most preferably, the fluorinated hydrocarbon component is a 28% by weight mixture of C.sub.6 and C.sub.8 perfluoroalkyl derivative available from 3M under the trade designation L-12357. Typically, the fluorocarbon is present in an amount from about 0.05% to about 1.0% by weight. See col.7,ln.5-25.

Specifically regarding the peroxygen bleach, Billman teaches that the cleaning compositions also include peracids and peroxides to assist in the overall cleaning performance of the compositions. Suitable peroxides include hydrogen peroxide, T-

butyl hydroperoxide, peracetic acid, acid and percarbonates. Preferably, the peroxide is hydrogen peroxide. The peroxide or peracid is typically present in an amount from about 0.0% to about 8.0%. See col.7,ln.39-50.

Specifically regarding the surfactant, Billman teaches various surfactants for use in the composition including alkali metal or ammonium salts of fatty acids, alcohol sulfates, alcohol sulfonates, alcohol phosphates, alcohol phosphonates, alkyl sulphonates, alkyl sulphonates; disodium lauric sulfosuccinate, disodium lauramido MEA sulfosuccinate and mixtures thereof. The preferred anionic surfactant is ammonium or sodium lauryl sulfate. See col.5, ln.50-60.

However, Billman does not teach applying 10ml to 150 ml onto 50% of the carpet as recited by claim 1. Billman does not teach using a vacuum cleaner to remove some of the composition as recited by claim 2. Also, Billman does not specifically teach a radical scavenger as recited by instant claims 15-16.

Grippaudo et al. teach a process of cleaning carpet with a vacuum cleaner comprising peroxygen, and an N-vinyl polymer, said process comprising the steps of applying said composition to the surface of the carpet with a sprayer and leaving said composition to dry onto the carpet. The said process further comprises the step of removing said composition with a vacuum. See page 8, 4<sup>th</sup> paragraph.

Grippaudo et al. teach that the amount of the composition applied for the cleaning of carpets will depend on the severity of the stain or soil. In the case of stubborn stains more than one application may be required to ensure complete removal of the stain. The area to be cleaned by applying the compositions according to the

present invention may be of any size. Indeed, a complete section or more preferably the whole carpet may be sprayed with the composition for the cleaning of carpets. See page 7, 2<sup>nd</sup> and 3<sup>rd</sup> paragraphs.

Grippaudo et al. teach various suitable radical scavengers to further contribute to the stability of the peroxygen containing composition. See page 33 last paragraph – page 34 2<sup>nd</sup> paragraph.

Thus, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to formulate a carpet cleaning composition comprising a radical scavenger and applying 10ml to 150 ml onto 50% of the carpet and use a vacuum cleaner to remove some of the composition as recited by instant claims with a reasonable expectation of success, because the teachings of Billman in view Grippaudo et al. suggest a liquid carpet cleaning composition comprising a radical scavenger wherein the amount of the composition sprayed onto the carpet is varied dependent on the amount of treatment. Furthermore, one of ordinary skill in the art would have been motivated to combine the teachings of Billman with that of Grippaudo et al. because both teach carpet cleaning compositions in general.

### ***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Preeti Kumar whose telephone number is 571-272-1320. The examiner can normally be reached on M-F 9:00am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra N. Gupta can be reached on 571-272-1316. The fax phone

number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Preeti Kumar  
Examiner  
Art Unit 1751

PK



**MARGARET EINSMANN  
PRIMARY EXAMINER  
GROUP 1100**